

**DURHAM CITY COUNCIL WORK SESSION**  
**Thursday, December 5, 2013 – 1:00 p.m.**  
**Committee Room – 2<sup>nd</sup> Floor – 101 City Hall Plaza**

**Present:** Mayor William V. “Bill” Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. **Absent:** None.

**Also present:** City Manager Thomas J. Bonfield, City Attorney Patrick Baker and City Clerk D. Ann Gray.

The meeting was called to order by Mayor Bell. He asked if there were any announcements from the council. There were no announcements.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Bonfield stated a brief presentation has been scheduled for Item #5 “Durham Arts Council, Inc. Building Services Agreement.”

The City Manager’s item was accepted by the council.

There were no priority items from the City Attorney and City Clerk.

After Mayor Bell announced each item on the printed agenda, the following items were pulled for discussion/comments and/or council action.

**Subject: Post-Employment Benefits – Retiree Medicare Supplement Benefit Update**

To confirm its approval of the City’s Medicare Supplement Guidelines.

Mayor Bell asked that this item be referred to the council’s insurance subcommittee.

**Motion** by Council Member Catotti seconded by Council Member Schewel to refer the post-employment benefits (retiree medicare supplement benefit update) to the insurance subcommittee.

The motion was approved by a vote of 7/0 at 1:05 p.m.

**Subject: Milan Pham**

To receive comments from Milan Pham regarding parking issues created by growth of the business district directly abutting the North Street area residences.

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The following statement was presented by Milan Pham:

We the residents of the Central Park/Old North Durham neighborhood respectfully ask that the City of Durham explore parking solutions in the neighborhood and work with the residents on implementing restrictions for non-residents and/or visitors.

The streets in focus are parts or all of Madison, Corporation, Northwood Circle, and North Streets. We are requesting your assistance due to the increasing number of traffic and parking problems, noise ordinance violations and disorderly conduct related to and/or caused by patrons of proximate restaurants, bars, and venues. The revitalization of this area has caused a number of problems for neighborhood residents, including: the unavailability of parking for residents, dangerous driving conditions as Corporation Street becomes navigable for only one direction of cars, and excessive noise and disorderly conduct in the early morning hours as bars close.

While the situation is currently concentrated on weekends, for community events, and during peak times such as the Fullsteam Brewery Wednesday run, we believe the problems will only worsen with scheduled development such as the Liberty Warehouse and more immediately the opening of the Pit. The parking lot to be used by the restaurant is adjacent to the neighborhood streets of concern and we believe will encourage further traffic/parking issues as the lot fills.

We believe Madison Street clearly demarcates a 'boundary' between the retail establishments and the residential neighborhood, and that parking in these areas should be actively discouraged by the City.

While residents have unique concerns and a number of ideas for solutions, we all agree the situation is not acceptable. We request that swift attention is given to this matter and that residents are engaged in the development of necessary restrictions.

In addition, Ms. Pham included a map of the area of concern and a list of residents expressing support of this letter. She also asked that they be provided a contact from the appropriate city department to help them come up with solutions to consider and a timeline for implementation of those parking solutions.

Mayor Bell said he visited the Pitt earlier this week and said he could see where the residents are beginning to have some concerns regarding parking due to the growth in that area.

Bryan Poole, a resident of North Street, referenced parking concerns for some residents in the area, and commented on the patrons leaving the clubs (on Saturday nights) in the early morning hours with cars lined up on Corporation Street, people blowing their horns and playing loud music. He said the police have come and do their best. Also, on Sunday mornings he said he and other neighbors are out cleaning up beer cans/litter that the club patrons have thrown out.

Bob Chapman spoke on the neighbors working together and said they have met twice and he referenced signage; the creation of the BID doing a very good job; referenced a long range solution. He said one immediate safety issue the property owners are concerned about is the

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DATA bus on Rigsbee Street and the delay of the buses. He said it would be much better in their opinion if the bus ran down Foster Street. Mr. Chapman said they would also like to be involved in the parking study.

Parham Shaw, a resident of Corporation Street, raised concern with parking in his area due to growth.

City Manager Bonfield said this matter is on the Transportation Department's agenda and suggested the residents make contact with the Director of Transportation Mark Ahrendsen to discuss further what needs to be evaluated.

Council Member Moffitt also informed council of concerns by Motorco with the valet parking by the Pitt Restaurant and the blocking of Rigsbee Street.

**Subject: Workforce Development Act Youth Contract with Program Element Provider**

To authorize the City Manager to execute a contract with Achievement Academy of Durham in the amount of \$52,000.00 for Youth Program Element Services.

Discussion was held on the four proposals and the varying in the scoring.

Council Members Catotti and Schewel stated they had no disagreement with the recommendation; however, Council Member Schewel said a stronger process on the Workforce Development Board is needed in terms of evaluating the proposals and said the staff is going to have to do more recruiting to get the people they need on those panels.

Michael Honeycutt, of Economic & Workforce Development Department, commented on the RFP process and said they realize it needs to be strengthened to be a very transparent process. He referenced volunteers from the Workforce Board willing to work with them to help them review the RFP process to make certain all of the elements of the process are solid, transparent and to be certain processes are in place to address any issues that may come up.

James Dickens referenced the Youth Council participants and their purpose.

Council Member Brown commented on the possibility that the Workforce Development Board being too large and if that is the case, he said that is something that needed to be discussed in the future.

OEWD Director Kevin Dick commented on the Workforce Development Board and referenced the statutory category requirements. He said they would be happy to review the federal law to make some suggestion on how the administrative procedures could be tweaked. Also, he referenced the private participation on the board.

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**Subject: Acceptance of a Donation from Absolute Care Foundation for the Renovation of Carroll Street Park**

To accept the donation of equipment and cash totaling \$14,680.00 for the renovation of Carroll Street Park.

The staff report indicated that the Absolute Care Foundation, the charitable foundation of Absolute Dental Services has selected Carroll Street Park as their annual project for 2013. Over 50 employees and clients of Absolute Dental Services have donated over 500 volunteer hours of service to renovate the park located at 815 Carroll Street. The total financial commitment of the foundation is \$14,680 including \$4,576m73 in cash donations to Durham Parks and Recreation for equipment installed by volunteers. The balance of the donation is direct expenditures of the foundation that resulted in park amenities.

Council Member Moffitt commented on how Absolute Care Foundation provides so much for the citizens of Durham.

**Subject: Durham Arts Council, Inc. Building and Services Agreement**

To authorize the City Manager to execute an agreement between the City of Durham and the Durham Arts Council, Inc. from January 1, 2014 through December 31, 2024 with payment not to exceed \$7,311,360.93; and

To authorize the City Manager the right to extend the contract upon the same terms and conditions for a period equal to two-five year extensions (such extensions of the agreement may be at any point where extensions are authorized by agreement of both parties).

The staff report indicated that the Durham Arts Council, Inc. (DAC) provides a variety of arts programs open to and for the benefit of the arts community and general public and operates the facility owned by the City of Durham at 120 Morris Street. The City and County of Durham and the DAC cooperatively funded the renovation and restoration of the Morris St. building between 1986-1988, to revitalize Downtown Durham by developing interest and support for the arts in the City and preserving and restoring the building as a premier, professional quality arts center.

The current twenty-five year lease between the City and the (DAC) to program and operate the facility expires December 31, 2013. The City and the DAC have negotiated a new ten year Building and Services Agreement, with the option of two renewals of five years each. The new ten year Agreement provides for the term, cost and benefits to the City.

General Services Director Joel Reitzer commented on the terms of the proposed agreement for the Durham Arts Council; the fee and payment terms; annual fee adjustment; categories of support beginning FY 15; programming fee for support of public programs; use of premises; facility maintenance; leasehold improvements; annual audit; performance measures and building

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use by the City.

Sherry DeVries, Executive Director of the Arts Council, presented a power point presentation referencing the following:

Durham Arts Council

- Is the major provider of arts programs and services for artists and arts organizations, and the public in Durham
- A leading creative economy
- A major economic impact in Durham
- 1980's Campaign to create a Home for the Arts
- Manages and programs the city-owned historic 52,000 square feet arts center building
- Attracts visitors and residents to downtown
- Makes arts participation possible and accessible
- Durham Arts Council grants programs provide cash and facility use to artists and arts organizations based in or creating their art in Durham
- Houses 4 professional galleries which are the site for more than 20 exhibitions annually.
- June 30, 2010 the Ella Fountain Pratt Legacy Gallery was opened
- Partners with artists and downtown businesses to produce the largest walking artists tour in the State
- Provides over 600 classes, workshops, lessons and camps each year to 4,000 plus adults, teens, and children
- Operates two clay studios
- Teaches core curriculum through the arts to more than 20,000 students each year in triangle region
- 39<sup>th</sup> Annual Durham Arts Council's Center Fest is the longest running street arts festival in North Carolina, and the largest arts & cultural festival in Durham
- DAC has built organizational strength

In addition, Ms. DeVries briefed the council on the Core Operations Net Improvement for FY2003 through FY2013.

Senator Mike Woodard addressed the council requesting their support of the proposed agreement with the Durham Arts Council.

**Subject: Ordinance to Change Parking Fees**

To adopt an Ordinance Amending the Parking Fees.

The staff report indicated that the City recently completed a Comprehensive Parking Study for Downtown and Ninth Street. A presentation on the findings and recommendations of the study was provided to City Council at a work session on October 24, 2013. One of the recommendations of the study was to charge Downtown residents that desire to have parking

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access to a City parking facility during the day (8:00 a.m. to 7:00 p.m. Monday through Friday) the current rate of \$55 per month for surface lots and \$65 per month for decks. Access to City parking facilities during nights and weekends is currently available at no charge. The existing parking fee ordinance provides for a residential parking permit at a charge of \$10 per month that allows access to the City parking facilities during off peak hours (evenings and weekends). However, for several years these permits have allowed access to City parking facilities during weekdays at no charge.

The recommendation is to charge future Downtown residents who desire to have access to the City's parking facilities during the day (8:00 am to 7:00 pm Monday through Friday) the current rate of \$55 per month for surface lots and \$65 per month for decks effective October 1, 2013.

It is further recommended that the monthly parking permit fee for existing Downtown residents be phased in over a 4-year period retroactive to January 1, 2014 as follows:

	<u>Surface Lot</u>	<u>Deck</u>
January 1, 2014	\$10	\$20
January 1, 2015	\$25	\$35
January 1, 2016	\$40	\$50
January 1, 2017	\$55	\$65

At this time, Marsha McNally, a resident of downtown Durham, stated she could not support the proposed ordinance amending parking rates for downtown residents as being proposed by the staff.

City Attorney Baker stated that the city would be taking a risk if they treat the pioneer residents who live downtown and had purchased a city parking pass before the summer of 2008 differently than the people who had arrived later.

Several members of council stated they wanted to find a way to exempt/grandfather "pioneer" residents of downtown from the proposed parking fees to the market rate.

City Attorney Baker said he would try to come up with a way to do what the council is requesting.

This item is being referred back to the administration.

### **Settling the Agenda – December 16, 2013 City Council Meeting**

City Manager Bonfield announced the following items for the December 16, 2013 City Council agenda: Consent Items 1; 3 thru 11; & 13; GBA Item 14 and Public Hearings Items 15 thru 26.

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**Motion** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to settle the agenda for the December 16, 2013 City Council Meeting as stated by the City Manager.

The motion was approved by a vote of 7/0 at 3:25 p.m.

There being no further business to come before the council, the meeting was adjourned at 3:26 p.m.

D. Ann Gray, MMC, NCCMC  
City Clerk